

PROB 12C
(7/93)

Report Date: December 10, 2009

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 11 2009

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Seth Orion Ross Button Case Number: 2:07CR02041-001
 Address of Offender: Pasco, WA 99301
 Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge
 Date of Original Sentence: 10/2/2007
 Original Offense: Receipt of a Firearm by Person Under Indictment or Information for a Felony, 18 U.S.C. § 922(n)
 Original Sentence: Prison - 26 Months; TSR - 36 Months Type of Supervision: Supervised Release
 Asst. U.S. Attorney: Gregory M. Shogren Date Supervision Commenced: 6/18/2009
 Defense Attorney: James Egan Date Supervision Expires: 6/17/2012

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Seth Button is considered in violation of his term of supervised release by committing a burglary on or about November 10, 2009, in Benton County, Washington. According to the Benton County Sheriff's Department incident report, the defendant burglarized First Priority Detailing, which was the defendant's employer. The defendant stole several items, including a credit card and a shotgun. Officers confirmed the defendant used the credit card at a convenience store and have video surveillance of the transactions. When the defendant was arrested, the credit card, gun, and several other items were recovered. The defendant was arrested on November 12, 2009, and is now pending a second degree burglary charge under Benton County Superior Court case #09-1-01083-1.

- 2 **Mandatory Condition # 5:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Supporting Evidence: According to the Benton County Sheriff's Department incident report, when the defendant was arrested on November 12, 2009, officers found in his possession a firearm. The gun was a Remington 870 shotgun. During his interview with a

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Benton County Sheriff's deputy, the defendant was Mirandized and admitted he had forced entry into the victim's home and stole the firearm and a laptop computer. Both items were located in the defendant's vehicle when he was arrested.

- 3 **Special Condition # 14:** You shall abstain from the use of illegal controlled substances and shall submit to urinalysis testing as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The defendant is considered in violation of his term of supervised release by using morphine (heroin), on or about October 16 and 18, 2009. Mr. Button submitted to a drug test at the U.S. Probation Office on October 16, 2009. The instant test strip indicated it was positive for opiates. The defendant advised he was taking Hydrocodone, which was prescribed to him for back pain. The urine sample was sent to Kroll Laboratory for confirmation. The test results were received on November 16, 2009, which confirmed the defendant had consumed hydrocodone and morphine.

The defendant reported to the U.S. Probation Office on October 21, 2009, at which time he was to submit a drug test. The defendant could not produce a sample, but admitted he had used heroin on or about October 18, 2009. The defendant signed an admission of drug use form, admitting he had consumed heroin.

- 4 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Seth Button is considered in violation of his term of supervised release by possessing a controlled substance, heroin, on or about October 23, 2009, in Benton County, Washington.

According to the Kennewick Police Department incident report, on or about October 23, 2009, an officer, with the assistance of a confidential informant (CI), conducted a controlled buy from the defendant. The CI was given prerecorded buy funds and was kept under surveillance. The CI contacted the defendant at a predetermined location. The CI entered the defendant's vehicle and purchased a gram of heroin for \$80. Upon completion of the transaction, the CI gave the plastic baggie of heroin to the officers. The substance field tested positive for heroin and weighed 1.0 grams. The defendant was formally charged on December 2, 2009, with possession with intent to deliver a controlled substance, heroin, under Benton County Superior Court case #09-1-01130-2.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/10/2009

s/SanJuanita B. Coronado

SanJuanita B Coronado
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

12/11/09

Date